
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Lloyd Hoff Holding Corp dba Repeaters)	File No. EB-10-PA-0207
Licensee of Radio Station WQAR631)	
Bruceton Mills, West Virginia)	NOV No. V201032400049
)	
)	

NOTICE OF VIOLATION

Released: August 16, 2010

By the District Director, Philadelphia Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules¹ to Lloyd Hoff Holding Corp dba Repeaters ("Lloyd Hoff"), the licensee of radio station WQAR631 in Bruceton Mills, West Virginia.
2. On June 17, 2010, in response to a complaint from Fossman Corp., the licensee of station WZJ890, an agent of the Commission's Philadelphia Office monitored the transmissions on 461.475 MHz from station WQAR631 located in Bruceton Mills, West Virginia and observed the following violations:
 - a. 47 C.F.R. § 90.403(e): "Licensees shall take reasonable precautions to avoid causing harmful interference. This includes monitoring the transmitting frequency for communications in progress and such other measures as may be necessary to minimize the potential for causing interference." At the time of the investigation, station WQAR631 was transmitting a digitally modulated signal on 461.475 MHz. There was no evidence that the station was monitoring for communications in progress, which created the potential for interference and prevented the effective sharing of the frequency with other licensed users.
 - b. 47 C.F.R. § 90.425(a): "Except as provided for in paragraphs (d) and (e) of this section, each station or system shall be identified by the transmission of the assigned call sign during each transmission or exchange of transmissions, or once each 15 minutes (30 minutes in the Public Safety Pool) during periods of continuous operation." Between 2:30 p.m. and 5:00 p.m. on July 20, 2010, the agent observed that station WQAR631 did not transmit its call sign identification on the frequency 461.475 MHz.

¹ 47 C.F.R. § 1.89.

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- c. 47 C.F.R. § 1.903(a): “Stations in the Wireless Radio Services must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid authorization granted by the Commission under the provisions of this part, except as specified in paragraph (b) of this section.” Lloyd Hoff was transmitting digital emissions on the frequency 461.475 MHz. The license for station WQAR631 only authorizes FM analog telephony emissions (F3E) on the frequency 461.475 MHz. The F3E class of emission does not authorize digital transmissions.
3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Lloyd Hoff must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of the licensee. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:
- Federal Communications Commission
Philadelphia Office
One Oxford Valley Building, Suite 404
2300 East Lincoln Highway
Langhorne, Pennsylvania 19047
4. This Notice shall be sent to Lloyd Hoff at its address of record.
5. The Privacy Act of 1974³ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION

Gene J. Stanbro
District Director
Northeast Region
Enforcement Bureau

² 47 U.S.C. § 308(b).

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*